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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,978	11/14/2001	Joel B. Tabachnik	9979/9	7950
7590	02/25/2004		EXAMINER	
William F. Prendergast Brinks Hofer Gilson & Lione NBC Tower, Suite 3600 P.O. Box 10395 Chicago, IL 60610			WONG, LESLIE	
			ART UNIT	PAPER NUMBER
			2177	
DATE MAILED: 02/25/2004 <span style="float: right;">4</span>				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/993,978	TABACHNIK, JOEL B.
Examiner	Art Unit	
Leslie Wong	2177	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 14 November 2001.
- 2a) This action is FINAL.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-40 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____.   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2/08Jul02</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____.                                   |

## DETAILED ACTION

### *Specification*

1. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-12 and 32-37 are rejected under 35 U.S.C. 102(e) as being anticipated by **Sehr** (U.S. Patent 6,325,292 B1).

Regarding claims 1 and 32, **Sehr** teaches a method of providing an updated multimedia assembly and related web site comprising:

- (a) providing a site having at least one database including data regarding a selected topic, the database accessible through an a network connection (col. 6, lines 43-67; col. 4, lines 9-26 and col. 8, lines 30-34);
- (b) updating the at least one database on multiple occasions (col. 4, line 66 – col. 5, line 13);

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(c) providing a multimedia device having a top surface and bottom surface with at least one of the top surface and the bottom surface having printed information located thereon, and the device including an updatable memory for storing information generally corresponding to the printed information, a contact point and a communications port for connection with the database (col. 5, line 64 – col. 6, line 43);

(d) providing an audio signal generator capable of being placed in communication with the contact point of the multimedia device so as to receive a signal from the memory and including a speaker to provide an audible signal corresponding to the information stored in the memory (col. 5, line 64 – col. 6, line 43); and

(e) charging a fee for at least one of (1) access to the at least one database (2) ownership, of the multimedia device (3) ownership of the audio signal generator and (4) placing content on the database (col. 8, lines 5-29).

Regarding claims 2, 12, and 33, **Sehr** further teaches updating the database on a regular basis (col. 5, lines 1-13).

Regarding claims 3-11 and 34-37, **Sehr** further teaches wherein the data regarding a selected topic includes data about a fictional character (col. 5, lines 43-63; col. 6, lines 48-58; col. 18, lines 25-43).

4. Claims 13-31 and 38-40 are rejected under 35 U.S.C. 102(e) as being anticipated by **Domiteaux** (U.S. Patent 5,959,281).

Regarding claims 13 and 38, **Domiteaux** teaches a multimedia assembly comprising:

- (a) a card having a top surface and bottom surface with at least one of the top surface and the bottom surface having printed information located thereon and a contact point, the card having a memory for storing information generally corresponding to the printed information (Fig. 1; col. 4, lines 60-67);
- (b) the audio signal generator capable of being placed in communication with the contact point of the card so as to receive a signal from the memory and the audio signal generator including a speaker to provide an audible signal corresponding to the information stored in the memory, the audio signal generator generally shaped in the form of a novelty figure (col. 6, line 63 – col. 7, line 31; col. 9, lines 35-44).

Regarding claims 14, 24, 39, and 40, **Domiteaux** further teaches wherein the audio signal generator further comprises a memory for storing information (Fig. 1, element 54 in region 3; col. 5, line 63 – col. 6, line 31).

Regarding claims 15-22 and 25-31, **Domiteaux** further teaches wherein the novelty figure generally relates to the printed information (col. 5, lines 16-28).

Regarding claim 23, **Domiteaux** further teaches a multimedia assembly comprising:

(a) a multimedia device having a top surface and bottom surface with at least one of the top surface and the bottom surface having printed information located thereon, and the device including an updatable memory for storing information generally corresponding to the printed information and a communications port for connection to a database (col. 4, lines 60-67; Fig.1, card 1, element 54 in region 3 and col. 12, line 60 – col. 13, line 46); and

(b) a docking cradle capable of being operatively connected to the communications port, the docking cradle generally shaped in the form of a novelty figure (Figs. 2 and 3 and col. 7, lines 31-60).

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Peppel** (U.S. Patent 6,200,216 B1)

**Aberson** (U.S. Patent 6,546,400 B1)

**Amron** (U.S. Patent D416249S)

**Fernandes** (U.S. Patent 5,671,555)

**Rehbein et al.** (U.S. Patent 6,685,188 B2)

**Smith et al.** (U.S. Patent 5,533,124)

**Blotky et al.** (U.S. Patent 6,680,715 B2)

**Gu** (U.S. Patent 6,282,819)

**Welander** (U.S. Patent 5,743,801)

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Wong whose telephone number is (703) 305-3018. The examiner can normally be reached on Monday to Friday 9:30am - 6:30 pm.

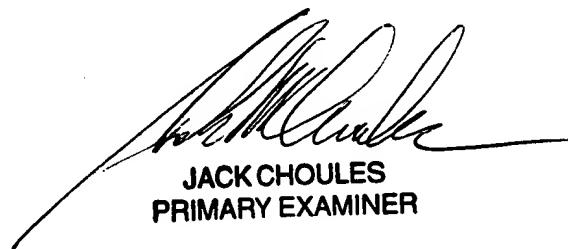
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Leslie Wong  
Patent Examiner  
Art Unit 2177

Lw  
22 February 2004



JACK CHOULES  
PRIMARY EXAMINER